

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GARY KOOPMANN, TIMOTHY KIDD and
VICTOR PIRNIK, Individually and on Behalf of
All Others Similarly Situated,

Plaintiffs,

v.

FIAT CHRYSLER AUTOMOBILES N.V.,
FCA US LLC, SERGIO MARCHIONNE,
RICHARD K. PALMER, SCOTT
KUNSELMAN, MICHAEL DAHL, STEVE
MAZURE, and ROBERT E. LEE,

Defendants.

No. 15 Civ. 7199 (JMF)

**DEFENDANTS' NOTICE OF MOTION TO DISMISS THE
EMISSIONS-RELATED CLAIMS FROM THE FOURTH AMENDED COMPLAINT**

PLEASE TAKE NOTICE that upon (i) the Memorandum in Support of Defendants' Motion To Dismiss the Emissions-Related Claims from the Fourth Amended Complaint; (ii) the Declaration of Joshua S. Levy, dated September 5, 2017, and the exhibits attached thereto; and (iii) all prior pleadings and proceedings had herein, Defendants Fiat Chrysler Automobiles N.V., FCA US LLC, Sergio Marchionne, Scott Kunselman, Michael Dahl, Steve Mazure and Robert E. Lee will move this Court, before the Honorable Jesse M. Furman, United States District Judge, in Courtroom 1105, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, on a date and time designated by this Court, for an Order pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing with prejudice the emissions claims from the Fourth Amended Complaint (ECF No. 129), and for such other and further relief as the Court deems appropriate.

Dated: September 5, 2017
New York, New York

Respectfully submitted,

/s/ Robert J. Giuffra, Jr.
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